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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,896	11/22/2000	Joachim Boretzky	GR 98 P 3363	2982
24131	7590	07/12/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			WACHTEL, ALEXIS A	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,896

Applicant(s)

BORETZKY ET AL.

Examiner

Alexis Wachtel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

1. Applicant's amendment and accompanying Remarks filed 4-15-04 have been entered and carefully considered.

Applicant's arguments are insufficient to overcome the obviousness rejections of claims 1-7.

2. Claims 1,5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,077,847 to Choi et al in view of US 4,878,440 to Tratz et al and US 4,178,232 to Nollet as set forth in section 2 of the previous office action.

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,077,847 to Choi et al in view of US 4,878,440 to Tratz et al and US 5321898 to Robinette, Jr. et al as set forth in section 3 of the previous office action.

Response to Arguments

4. Applicant argues that the Choi reference teaches away from the present invention because Choi teaches a thermal waste process after solid waste has been separated by the zig-zag classifier. However, Applicant claims a "treatment plant" in the preamble language of claim 1. Applicant's invention is limited by the preamble language to an apparatus that can be configured to operate independently of a thermal waste disposal plant. In particular, the solid waste disposal plant disclosed by Choi et al is capable of accepting waste residue from a thermal waste treatment plant. Accordingly, Applicant's arguments are not found to be persuasive.

Applicant argues that the sieve disclosed by Tratz serves the purpose of separating fractions contained in waste that has been pyrolyzed. Therefore, according to Applicant, a person of ordinary skill in the art would not have considered disposing the sieve disclosed by Tratz immediately after the shredder in the solid waste disposal plant disclosed by Choi. However, Tratz broadly teaches that sieves are used to divide waste residue into a fine, finer course and coarser coarse material (Col 7, lines 61-67). One of ordinary skill would have recognized that such a sieve need not be limited to sorting just pyrolyzed particles. One of ordinary skill would have utilized the sieve disclosed by Tratz in order to sort out particles that are too large to be adequately processed by the waste disposal system disclosed by Choi.

Applicant argues that Nollet teaches an airdrum for handling solid waste rather than pyrolyzed waste. However, one of ordinary skill would plainly recognize the genus species relationship between solid waste matter and solid pyrolyzed waste matter. An airdrum is certainly capable of handling pyrolyzed solid waste matter. As such, having employed an airdrum for handling waste would have been an obvious functional variant of a trommel mill used in the solid waste disposal plant disclosed by Choi. Applicant additionally argues that Nollet fails to teach or suggest an air separator drum having a longitudinal axis, and inner wall, and drivers disposed on the inner wall as recited in claim 1 of the present application. Nollet teaches an airdrum (14), an inner wall (50), drivers (56) as well as a longitudinal axis (57) about which said drum rotates.

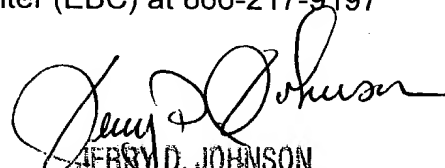
Conclusion

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4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Wachtel whose telephone number is 571-272-1455. The examiner can normally be reached on 10:30am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenn Caldarola, can be reached at (571)-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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